

**REMARKS**

The Examiner has rejected claims 1 through 23 under 35 U.S.C. 103(a) as allegedly being obvious. In view of the above amendments and the following remarks, the Applicant respectfully requests the Examiner to reconsider the pending rejections.

**The Section 103 Rejections**

The Examiner has rejected claims 1 through 4, 7 and 15 through 23 under 35 U.S.C. 103(a) as allegedly being obvious over Takeshi in view of Parrott. Although the Examiner has provided separate paragraphs 8 and 9 on page 8 of the Office Action for explaining the rejection bases, since the combination of the cited references is the same, the claims rejected in Paragraphs 8 and 9 are included in the above list. The Examiner has rejected claims 5 and 6 as allegedly being unpatentable over Takeshi in view of Parrott and further in view of Fukanuma. The Examiner has rejected claims 8, 10 and 13 as allegedly being unpatentable over Takeshi in view of Parrott and further in view of Oshima. The Examiner has rejected claims 9 and 14 as allegedly being unpatentable over Takeshi in view of Parrott and further in view of Oshima and Kato. The Examiner has rejected claims 11 and 12 as allegedly being unpatentable over Takeshi in view of Parrott and further in view of Oshima and Ikeda.

Claims 19 through 23 have been cancelled in the current response. Thus, the current application has pending claims 1 through 18.

In view of the above rejections, without agreeing the Examiner's characterization of the disclosures in the cited references, the applicant has clarified the subject matter limitations which have been already recited in independent claims. The Examiner has responded in Paragraph 10 of the Office Action to the previous arguments that functional distinctions do not carry weight over structural distinctions. Accordingly, the applicant

now clarified the structural distinctions in the current claim amendment to overcome the pending rejections

Newly amended independent claim 1 now explicitly recites “a suction chamber formed in the rear housing, the rear housing being located rearward of the second cylinder bores.” In addition, newly amended independent claim 1 now also explicitly recites “the partition wall has a rear end portion that is closer to the suction chamber than a front end of the second communication passage.”

As the Examiner has already conceded in Paragraph 3 on page 3 of the pending Office Action, the Takeshi prior art reference fails to teach or disclose certain features including a rotary shaft with an inner chamber and a partition wall located in the inner chamber.

For the lack of the disclosure in the above cited prior art reference, the Examiner has cited the Parrot reference, which has been already cited in a previous Office Action. The Parrot reference generally relates a “rotary mineral cutting head.” Although Figure 1 of the Parrot reference appears to disclose the two concentric tubes 42 and 43 within the drive shaft 9, neither of the Takeshi prior art reference and the Parrot prior art reference discloses, teaches or suggests the “suction chamber formed in the rear housing, the rear housing being located rearward of the second cylinder bores” as explicitly recited in the newly amended independent claim. By the same token, neither of the Takeshi prior art reference and the Parrot prior art reference discloses, teaches or suggests that the “the partition wall has a rear end portion that is closer to the suction chamber than a front end of the second communication passage” as explicitly recited in the newly amended independent claim.

Other cited references including Fukanuma, Oshima, Kato and Ikeda also fail to teach the above described patentable features of the newly amended independent claim.

In fact, the Examiner has cited these secondary and tertiary prior art references to allegedly disclose, teach or suggest the further limitations of dependent claims. For this reason, the detailed description of these references is not provided in the current response

Based upon the above reasons, the combined disclosures still fail to teach, disclose or suggest the patentable features of newly amended independent claim. Therefore, it would not have been obvious to one of ordinary skill to provide the patentable features of the current invention as explicitly recited in newly amended independent claim 1

Dependent claims 2 through 18 ultimately depend from newly amended independent claim 1 and incorporate the patentable features of the current invention. Therefore, the Applicant respectfully submits to the Examiner to withdraw the rejections of claims 1 through 23 under the section 103.

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**PATENT**

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**Amendment dated February 22, 2008**

**Page -10-**

**Conclusion**

In view of the above amendments and the foregoing remarks, Applicant respectfully submits that all of the pending claims are in condition for allowance and respectfully request a favorable Office Action so indicating.

Respectfully submitted,

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